

REMARKS

In the Office Action of June 8, 2004, claims 5, 9, 14 and 18-20 were objected to as being dependent upon a rejected base claim, but which would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Pursuant to the above amendments, originally dependent claims 5, 9, 14 and 19 have been rewritten in independent form to include all of the limitations of their respective base claims and any intervening claims. Note that claim 14 has been additionally amended to include antecedent basis for the term "sack". Also, original dependent claim 17 has been amended to depend from now independent claim 19 and original dependent claim 18 has been cancelled. Accordingly, independent claims 5, 9, 14 and 19, together with their respective dependent claims 17 and 20, are now in condition for allowance and such action is respectfully requested.

The remaining claims have been rejected under § 102(b) as being anticipated by various prior art. Specifically, independent claims 1 and 10, together with certain of their respective dependent claims, have been rejected as being anticipated by the Schlinger et al. Patent No. 5,806,346, the Schmidt Patent No. 4,753,086 and the Butt Patent No. 5,362,271. The above patents have been carefully reviewed and considered and amendments have been made to independent claims 1 and 10 which more clearly define the present invention and which clearly distinguish from the prior art. Reconsideration is respectfully requested in view of the following comments.

The Schlinger patent is directed to jewelry, namely, a magnetic pendant necklace having a necklace portion 18 and first and second pendant clasps. One magnet portion 10a and a second magnet portion 10b are connected with the clasps 12 and 14 for connecting the clasps together. As shown, the necklace portion 18 is resilient and is capable of formation into a virtually infinite number of closed loop configurations.

The Schmidt patent also relates generally to jewelry and more specifically to a costume jewelry circlet which includes a core 11 which may be constructed of a metal wire. The core 11 extends through a sleeve 30 and is provided with connection elements at its ends 12 and 13. The connection elements may include a loop and eyelet configuration as shown in Figure 2 or a knot as shown in Figure 6. This reference does not appear to disclose a magnet.

The Butt Patent No. 5,362,271 is directed to magnetic playthings such as dolls, figures or toy animals which have magnets on their hands, etc., to permit the dolls, etc., to hold its own

hands by connecting the magnet on one hand to the magnet on the other hand or hold another's hand by connecting the magnet on the hand of one doll to a magnet on the hand of the other doll.

Independent claims 1 and 10 in their amended form distinguish from these patents for at least the following reasons. First, the subject matter of claims 1 and 10 is directed to a toy and a play accessory, respectively. Both the Schlinger and the Schmidt references relate generally to the field of jewelry. This is not analogous art. A person skilled in the art of designing childrens' toys or play accessories would not be expected to look into the jewelry or necklace art for ideas or solutions to problems. Accordingly, Schlinger and Schmidt are distinguishable for this reason.

Further, claims 1 and 10 as amended require the elongated member to be formed into a closed loop configuration of a fixed shape and to be of sufficient stiffness to maintain such closed loop configuration in that fixed shape. This clearly distinguishes from both Schlinger and Butt. The Schlinger patent clearly is incapable of being formed into a closed loop configuration of a fixed shape and it clearly fails to exhibit sufficient stiffness, or any stiffness whatsoever, that would maintain such closed loop configuration in said fixed shape. Further, it would not have been obvious to modify Schlinger to provide an elongated member which is formed into a closed loop of a fixed shape. This would be totally inconsistent with the purpose and desirability of the Schlinger necklace.

Although Schmidt discloses a fixed shape, it does not disclose any magnetic connection means as is now recited in claims 1 and 10.

Butt also fails to disclose the elongated member being formed into a closed loop configuration of a fixed shape and being of sufficient stiffness to maintain such closed loop configuration in said fixed shape.

Accordingly, it is submitted that independent claims 1 and 10, as amended, together with their respective dependent claims, are patentably distinguishable from the prior art references. Formal allowance of these claims is respectfully requested.

Claims 16 and 17 were rejected as being anticipated by *Olaiz*. Independent claim 16 has been cancelled, and claim 17 has been amended to depend from an allowable claim, thereby obviating the need to address their rejection in view of *Olaiz*.

New claim 21 has been added to more fully define the scope of the present invention to which applicant is entitled. New claim 21 is directed to a toy comprising a plurality of loop type

members which are selectively interconnectable with one another. Each of these members comprises an elongated member with a first connection member comprising a magnet and a second connection member comprising a magnet or a material attracted to a magnet. The claim requires the first and second connection members being connectable to one another to form the elongated member into a closed loop configuration and for the first and second connection members to be manually separable to interconnect a plurality of the closed loop configurations together. This is clearly distinguishable from Swinger and Schmidt which, among other things, fail to show a plurality of loop members which are interconnectable with one another. It is also clearly distinguishable from *Butt* which discloses several dolls or other articles which are connected in end-to-end relationship as shown in Figures 7, 8 and 18-20. *Butt*, however, fails to disclose a plurality of closed loop configurations which are selectively interconnectable as claimed so as to interconnect a plurality of the closed loop configurations together.

For all of the above reasons, particularly in view of the discussion of the prior art references, the amendments to the claims and the distinctions between those references and claims, it is believed that all of the claims are now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

DORSEY & WHITNEY LLP

Customer Number 25763

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By: David N. Fronek
David N. Fronek, Reg. No. 25,678
Intellectual Property Department
Suite 1500
50 South Sixth Street
Minneapolis, MN 55402-1498
(612) 340-2629